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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,673	11/14/2000	William M. Nelson	CISCP187/3227	4406

22434 7590 07/14/2004  
BEYER WEAVER & THOMAS LLP  
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BERKELEY, CA 94704-0778

EXAMINER

HO, DUC CHI

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 07/14/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/714,673

Applicant(s)

NELSON, WILLIAM M.

Examiner

Duc C Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-30 is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9 and 11 is/are rejected.
- 7) ☒ Claim(s) 3,4 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: It is requested the application serial number be filled, and the attorney docket number be removed in page 18, line 20-21 of the instant specification.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(b) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 5-9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by McCreery et al.(US 5,787,253), hereinafter referred to as McCreery.

Regarding claim 1, McCreery discloses apparatus and method of analyzing Internet activity.

*a first device (the memory 308-fig. 3) having a buffer (the buffer 334 of the module 322-fig. 4a-b, see col. 8, lines 10-23) and at least a first processor (the analyzer 324-fig. 4a); and*

*a second device (the CPU 306-fig. 3) having at least a second processor (the CPU 306-fig. 3), wherein the first device is a physically separate device from the second device,*

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*wherein the second processor ( the CPU 306-fig. 3) of the second device (the interface 316-fig. 3) is configured to manage the buffer of the first device and the first processor is also configured to analyze packet data accessed from the buffer (the analyzer 324-fig. 4a analyzes packet from the buffer 334-fig. 4b, see col. 9, lines 20-36).*

Regarding claim 2, the CPU 306-fig.3 is capable of analyzing source and destination (portions) of the packet from the buffer 334-fig. 4b.

Regarding claim 5, the CPU 306 is capable of causing the packet to be stored at the buffer 334-fig.4b until the analyzer 324-fig. 4a is ready to analyze the packet.

Regarding claim 6, the CPU 306 is capable of causing the packet to be read from the buffer 334-fig.4b until the analyzer 324-fig. 4a is ready to analyze the packet.

Regarding claim 7, the CPU 306 is capable of causing the packet to be stored at the buffer 334-fig.4b until the packet's header with destination extracted.

Regarding claim 8, the CPU 306 is capable of causing the packet to be read from the buffer 334-fig.4b until the packet's header with destination extracted.

Regarding claim 9, the CPU 306 is capable tracking a plurality of addresses of the buffer from which data of the packet written into.

Regarding claim 11, the packet analyzer does analyze packet from the buffer 334-fig. 4b, and the CPU 306-fig 3 doesn't.

***Allowable Subject Matter***

4. Claims 12-30 are allowed.

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5. Claims 3-4, and 10 are objected to as being independent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ivory (US 6,757,727); Mazzola (US 5,278,834) are cited to show packet data analysis with efficient buffering scheme, which is considered pertinent to the claimed invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (703) 305-1332. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive,

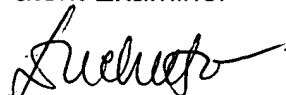
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Arlington. VA, Sixth Floor (Receptionist).

Patent Examiner

A handwritten signature in black ink, appearing to read 'Duc Ho', written over the printed name.

Duc Ho

7-09-04